

**Consolidated Grant Topic Group Conference Call #1,
December 13, 1999**

Participants:

Boyer, Wynona, Shoshone-Bannock Tribes
Chavarria,, Michael J, Santa Clara Pueblo
Chavarria, Joseph Mark, Santa Clara Pueblo
Crosland, Martha, DOE/EM
Gover, Maggie, NTEC
Gray, Ken, CTUIR
Holm, Judith, DOE/NTP
King, Daniel, Oneida Nation
Nolan, Betty, DOE/CI
Ottmer, Tammy, State of Colorado, WGA
Paull, Phillip CSG/ERC

Reed, Jim, NCSL
Ross, Ron, WGASattler, Lisa, CS
Sattler, Lisa, CSG/MW, Dan, DOE
Tano, Dan, DOE/RLKi, DOE/OPA
Tecumseh, Ki, DOE/OPA
Usrey, Elgan, State of Tenn./SSEB
Volk, Catherine, DOE/EM
Wells, Chris, SSEB, Prairie Island
Westra, Heather, Prairie Island
Indian Community
Wilds, Ed, State of Connecticut,
CSG/ERC

Research staff support: Judith Bradbury, PNNL

Background:

Judith Holm provided background information about the concept of a proposed DOE consolidated transportation grant and the role of the Topic Group. She explained that:

- ◆ The Consolidated Grant Topic Group is a sub-group of the Transportation External Coordination Working Group (TEC/WG), a group established in 1992 to provide coordination among DOE, other levels of government, and outside organizations having responsibility for DOE transportation activities
- ◆ The concept of a consolidated grant arose from recommendations provided by the TEC/WG to the DOE Senior Executive Transportation Forum in July 1998. The TEC/WG recommended that DOE consider consolidation of funding streams currently provided by various DOE programs to assist State and Tribal Governments in preparing for DOE shipments through their jurisdictions.
- ◆ The Forum appointed a DOE internal working group to examine the issues and report back to the Forum. Following this report, the Forum suggested continuing discussion about the concept between DOE and a variety of State and Tribal stakeholder groups, including the TEC/WG, STGWG, and NGA.
- ◆ The purpose of the topic group is to provide recipients' perspectives on the proposed grant—specifically, to assist DOE in examining grant features and criteria that might be applied in evaluating grant applications. DOE would like Topic Group members to prepare a draft paper summarizing key issues and options. The paper will be

presented to the TEC/WG for their review and finalization. It will be discussed with the internal DOE Working Group and subsequently will be presented to the DOE Senior Executive Transportation Forum and form the basis for questions to be included in a potential Federal Register Notice.

Note: Additional information about the TEC/WG and the role of topic groups is provided on the following web page: <http://www.uetc.org/tec/history.htm>

Discussion Topics:

1. Participants' Concerns

Some participants expressed concern at the outset about the proposed grant and about the information provided prior to the conference call:

- ◆ A State representative observed that the *Overview* document (which had been included in the background material provided as attachments to the email announcing the topic group meeting) appeared to have been written from a DOE perspective and incorporated only DOE planning assumptions. She emphasized that a similar paper, written from a State perspective is needed. Judith Holm agreed that the paper was written from a DOE perspective, noting that it was prepared as part of the briefing for DOE Program staff and the Senior Executive Transportation Forum—it had been sent to participants as background and as a starting point for the group's discussion. The purpose of the group is to discuss and complete a paper that views the issues from the perspective of participants, including administrative structures that would affect how a grant is received and implemented.
- ◆ One participant queried the total amount of funding to be provided and which DOE Programs other than WIPP and Spent Fuel were committed to a consolidated grant. Judith Holm responded that NTP's planning assumption for purposes of analysis is that the annual total of \$10 million be used for discussion; currently, DOE distributes approximately \$4 million to States and Tribes (excluding AIP funding, which would not be affected by the transportation grant). Since the DOE is still exploring the possibility of a consolidated grant, there are no specific commitments at this stage; however, the concept is that, should the program go forward, all DOE Programs that ship would be included.
- ◆ A Tribal representative stated that her Tribe would be opposed to a consolidated grant until the members had a better understanding of what it involved. She emphasized that Tribes are guaranteed a Government-to-Government relationship and would not give that up. She expressed concern that a consolidated grant could entail funding being placed "in a big pot" rather than being subject to the type of individual negotiation with each Tribe as currently occurs. Judith Holm emphasized her understanding of the Government-to Government relationship and the need for individual negotiation. She stated that DOE's intent would be to deal directly with

each Tribe and that the term *consolidated* refers to consolidation of DOE funding streams and not consolidation of recipients.

- ◆ A State representative also expressed concern that there was only limited information provided about the issues included in the email message to the group. Judith Bradbury acknowledged that this was the case—she explained that the list was not intended to be detailed but simply a summary list of key issues raised to date in the TEC/WG meeting in July and in the written comments that some participants have provided. Judith committed to emailing additional detail that has been prepared to date, along with the summary notes of the current conference call (see action items below).

2. Overview of Listed Issues

The group briefly discussed the issues raised in previous TEC/WG discussions that were listed in the initial email:

- ◆ Criteria for apportioning funding: Differences of opinion were especially noted in relation to consideration of population (Tribes and rural western States were not in favor of including population) and whether the various factors should be given equal or different weights. There were also differences of opinion on whether all types of radioactive waste shipments should be given equal weight. Other factors were also suggested.
- ◆ Addressing recipients' needs: Judith Holm noted that the intent is to allocate dollars on the basis of the impact of shipments on a jurisdiction and then allow recipients to select from a menu of allowable activities in meeting their particular needs and to describe how these activities would help achieve identified outcomes. It will be important for States and Tribes to help identify allowable activities and where flexibility is needed.
- ◆ Measurable outcomes: Judith emphasized that the topic group could play a valuable role in identifying outcome criteria, including their linkage to allowable activities..
- ◆ Tribal-specific issues: In response to a question from a Tribal participant, Alex stated that preliminary data indicate that 39 Tribes could experience DOE shipments over a 4-year period—he emphasized that these data are very preliminary and do not include RW shipments. Several issues of particular concern to the Tribes have been expressed, raising the question of whether DOE should consider developing a separate Federal Register Notice (similar to EPA's recent notice concerning consolidation of funds) in order to adequately address Tribal needs and concerns should the consolidated grant approach be adopted. As Judith reminded the group, the key issue is to identify operationally what is needed—what should DOE include in a Tribal package? How does this compare with a State package?

The TEC/topic group meeting in February will be structured so that Tribal members can first attend the consolidated grant or protocol topic groups and subsequently discuss issues of specific concern and possible options for their resolution in the Tribal topic group.

- ◆ Discretionary grants: TEC/WG members generally supported the concept, while expressing caveats. Some of the specifics would need to be clarified.
- ◆ Threshold for eligibility: The question here is whether there may be other options to address the needs of jurisdictions projected to experience only one or a few shipments, so that more funding would be available to share among jurisdictions more heavily impacted. Issues yet to be resolved include identification of possible options and where the threshold should be drawn.
- ◆ State and Tribal administrative structures: Input from the perspectives of State and Tribal recipients will be essential to ensuring effective, efficient implementation.

Future Discussions/Schedule:

1. The next conference call is scheduled for Wednesday January 19, from 2:00-3:30 p.m. EST. A reminder and call-in number will be provided closer to the time.
2. Topic groups are scheduled to meet in February in Las Vegas for extended discussions. Dates are from noon on Tuesday February 15 through 12:30 p.m. on Thursday February 17. Members planning to participate should make the necessary arrangements with Audrey Adamson (telephone number: 301-564-5320). Please call Judith Bradbury at (202) 646-5235 if you have any questions concerning attendance.
3. Judith Bradbury offered to draw up a strawman Task Plan and schedule for the group to discuss during the January conference call.

Action Items:

1. Judith Bradbury will:
 - ◆ Attach to the summary of today's conference call discussion copies of the TEC/WG summary of issues; the working draft matrix of written TEC/WG comments on the issues; and a list of topic group participants, including telephone and fax numbers, and email and mailing addresses.
 - ◆ Send a reminder of the January conference call and the strawman Task Plan to all participants by January 12.

2. All participants are requested to:

- ◆ Review the attached matrix of participants to correct errors in names, phone and fax numbers, and email addresses.
- ◆ Review the strawman Task Plan that will be emailed to all participants prior to the next conference call.
- ◆ Review the issues summaries and come to the next conference call with a list of issues on which you/your organization wishes to focus (these issues may be in addition to those already listed).
- ◆ Discuss with their respective State or Tribal organization structural features and/or conditions affecting receipt and disposition of federal funding of which DOE needs to be aware.